

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. CARPENTER,  
Petitioner,

v.

ROBERT L. AYERS, Jr., Acting Warden  
of California State Prison at San Quentin,  
Respondent.

NOS. C 98-2444 MMC  
C-00-3706 MMC


ORDER TAKING MOTION  
UNDER SUBMISSION;  
VACATING HEARING

**DEATH PENALTY CASE**

Before the Court is petitioner's Motion to Terminate *Sua Sponte* Inquiry into Petitioner's Current Competency, filed April 28, 2008. Pursuant to Civil Local Rules 7-1(b) and 7-6, the Court finds the motion is appropriate for submission on the papers without oral argument. Accordingly, the hearing scheduled for June 13, 2008 is hereby VACATED.

**IT IS SO ORDERED.**

DATED: June 5, 2008

  
MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE